

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**HAKIEM ANDREWS,**  
*Plaintiff,*

v.

**JIM KENNEY, et al.,**  
*Defendants.*

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**CIVIL ACTION**

**No. 16-1872**

**ORDER**

**AND NOW**, this 14th day of June, 2017, upon consideration of Plaintiff's Complaint (Doc. No. 5), Plaintiff's Amended Complaint (Doc. No. 14), Defendants' First and Second Motions to Dismiss (Doc. Nos. 8, 15), and Plaintiff's Responses in Opposition (Doc. Nos. 9, 17), **it is hereby ORDERED** that:

1. Defendants' Second Motion to Dismiss (Doc. No. 15) is **GRANTED IN PART AND DENIED IN PART**;
2. Defendants' Second Motion to Dismiss is **GRANTED** such that any and all claims asserted against Defendants James Kenney, Michael Nutter, Michael Resnick, and Blanch Carney are **DISMISSED WITHOUT PREJUDICE**;
3. Defendants' Second Motion to Dismiss is **DENIED** with respect to the conditions of confinement claim asserted against Defendant Gerald May;
4. Plaintiff may file a motion for leave to file a second amended complaint on or before July 14, 2017; and
5. If Plaintiff files a motion for leave to file a second amended complaint, Plaintiff must attach a proposed second amended complaint to his motion.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE